

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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IN RE:

LINDA FREDERICKS

Chapter 7  
Case No. 15-10636

Debtor.

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**MOTION OBJECTING TO CLAIMED EXEMPTIONS  
PURSUANT TO 11 U.S.C. §522(L)**

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Michael Jude O'Connor, Esq., as Trustee for the above-referenced Chapter 7 estate (the "Trustee"), respectfully represents the following in support of his Motion Objecting to Claimed Exemptions Pursuant to 11 U.S.C. §522(l) (the "Motion"):

1. Linda Fredericks (the "Debtor") filed a voluntary petition for relief pursuant to Chapter 7 of the U.S. Bankruptcy Code (the "Code") with the U.S. Bankruptcy Court for the Northern District of New York on 3/30/2015 (the "Petition").
2. The Trustee was appointed on 3/31/2015 and is duly qualified to act as such.
3. The 11 U.S.C. §341 meeting of creditors was scheduled for 5/8/2015.
4. In the Petition, the Debtor listed her ownership interest in an IRA and distribution from sale of marital residence.
5. In the Petition, the Debtor sought to claim an exemption for the IRA and distribution from sale of marital residence (the "Exemption").
6. The Debtor obtained a divorce from her ex-spouse and as part of the settlement agreement, received an IRA from her ex-spouse. Also under the agreement, the Debtor is entitled to an equitable distribution award from the ultimate sale of the Debtor's former marital residence which had been titled in the Debtor's ex-spouse's name.
7. In corresponding with Debtor's counsel, Debtor's counsel takes the position that the

award equitable distribution from the marital residence is a future interest and not an 11 U.S.C. § 541 asset. The Trustee disagrees and believes it to be property of the Bankruptcy Estate under the broad scope of 11 U.S.C. § 541.

8. The Trustee is unaware of any provisions under the Federal and New York exemption scheme that would permit a Debtor to exempt an equitable distribution award of cash and real property.

9. It is respectfully requested that the exemption sought, as it relates to the equitable distribution from real property, be denied.

WHEREFORE, based upon the foregoing, it is respectfully requested that this Court issue an Order denying the exemption sought as it relates to the equitable distribution and granting such other and further relief as this Court deems just and proper.

DATED: June 4, 2015

By: /s/ Michael J. O'Connor  
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